



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,076	04/15/2004	Gary F. Holland	103003-200	7149
27267 7590 01/06/2009 WIGGIN AND DANA LLP ATTENTION: PATENT DOCKETING ONE CENTURY TOWER, P.O. BOX 1832 NEW HAVEN, CT 06508-1832				
			EXAMINER NGUYEN, DINH Q	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 01/06/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/825,076

**Applicant(s)**

HOLLAND ET AL.

**Examiner**

Dinh Q. Nguyen

**Art Unit**

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-53 and 55-70 is/are pending in the application.  
4a) Of the above claim(s) 66-70 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 51-53 and 55-65 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 41, 54-56, 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Dille.

Dille discloses an automotive vehicle 14, comprising: a vehicle body; a reservoir containing a fire suppressant agent 32/34, with the reservoir 32/34 being mounted in proximity to the body; a distribution system 26/28 for receiving the fire suppressant agent from the reservoir 32/34 and for conducting the fire suppressant agent to at least one location 18/20 about the body; a sensor system 22/50 for determining whether the vehicle has been subjected to an impact and whether the vehicle is moving subsequent to such an impact; and a controller inherently connecting the sensor signal to the fire suppressant agent reservoir for dispensing the fire suppressant agent, operatively connected with the sensor system and said reservoir, for causing the reservoir to initiate delivery of the fire suppressant agent from the reservoir to the distribution system (see column 2, lines 58+), the impact sensor 22 is also mounted to the rear of the vehicle as shown on figure 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art

are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 42-53, 58-60, 64, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dille.

With respect to claims 42-53, 58, 59, Dille teaches all the limitations of the claims except for activating the fire suppression system on a predetermined condition. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Dille with the activating the fire suppression system on a predetermined condition, because Application has not disclosed that activating the fire suppression system on a particular condition provides an advantage over other predetermined conditions. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either claimed activating conditions or the Dille conditions. Therefore, it would have been an obvious matter of design choice to modify the device of Rhines and Italiane et al. to obtain the invention as specified in claims 42-53, 58, and 59.

With respect to renumbered claims 60, 64, and 65, to place the discharged fire suppressant at an under side of the vehicle is an obvious matter of design choice to a person of ordinary skill in the art, since is it well within one skilled in the art to place the discharging of the fire suppressant where it is most effective to fight fires and for stopping the fires in a short period of time.

5. Claims 57, 62, 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dille in view of Parkinson et al.

Dille discloses all the limitations of the claims except for a pyrotechnic gas generator for solid propellant. However, Parkinson et al. teaches a pyrotechnic gas generator 16 for solid propellant. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Dille with a pyrotechnic gas generator for solid propellant as suggested by Parkinson et al. Doing so would provide a reliable and effective fire extinguisher.

### ***Response to Arguments***

6. Applicant's arguments filed October 20, 2008 have been fully considered but they are not persuasive in view of the Dille reference.

7. Applicant's arguments with respect to claims 41-53, 55-65 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/  
Primary Examiner, Art Unit 3752

dqn